

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE:
Donald Yelton } Case No. 09-40314
Joan Yelton, } **Motion to Excuse**
} **Debtor from §341 Examination**
}
} Chapter 11 Proceeding
DEBTORS }

NOW COME the Debtors, by and through undersigned counsel, moving the Court to excuse Mr. Donald Yelton from appearing for the §341 meeting and from the related examination because of the following circumstances:

- 1) Mr. Yelton suffers from a variety of illnesses, most notably throat cancer and has been under a doctor's care for the last number of months.
- 2) The physical condition of the Debtor is such that he is bed ridden and unable to travel without extreme hardship.
- 3) The disease has progressed to a stage whereby the debtor has been hospitalized for many weeks and it is unknown if he will be physically able to return home.
- 4) The family business and the personal finances of the debtors is primarily tended to by the other debtor, Mrs. Joan Yelton, who has previously appeared, been sworn, and provided testimony to the bankruptcy administrator concerning this case.
- 5) It is alleged upon information and belief that no greater understanding or no greater knowledge could be provided the Court and the Administrator's office by compelling this sick individual to attend the §341 hearing.

WHEREFORE, the Debtors respectfully request the Court enter an Order excusing this Debtor from appearing and being examined as required under 11 U.S.C. §341 and 11 U.S.C. §343 of the United States Bankruptcy Code.

This the 23rd day of July, 2009.

H. Trade Elkins, Attorney for the Debtor
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NOTICE OF HEARING

PLEASE TAKE NOTICE that the above named Debtor(s) have moved the Court to consider their Motion to Excuse Debtor from §341 Meeting, and that said Motion shall be considered by the Court on July 31, 2009 at 9:30AM or as soon thereafter as counsel may be heard, in the Bankruptcy Courtroom of the Cleveland County Courthouse, Shelby, North Carolina.

NO FURTHER NOTICE OF THIS HEARING WILL BE GIVEN

This document may contain nonpublic personal information about the consumer-debtor(s) subject to the restrictions of the Federal Gramm-Leach-Bliley Act. Such information, if any, is only included in this document for matter and things related to the bankruptcy case of these consumer-debtor(s). You may therefore only use this information in connection with proceedings in this bankruptcy case and for no other purpose. You may not directly or indirectly redisclose or reuse any of the consumer-debtor(s)' non-public personal information contained in this document for any purpose.

This the 23rd of July, 2009.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23rd day of July, 2009, the attached Motion and Notice of Opportunity for Hearing was served upon the Bankruptcy Administrator's Office by **placing a copy of the same in a depository of the United States Postal Service with adequate postage affixed, in an envelope addressed as follows:

** or served via electronic means in accordance with local rule and practice

Bankruptcy Administrator
Western District North Carolina
402 West Trade Street
Suite 200
Charlotte, NC 28202

H. Trade Elkins